

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JUDAH MICHALEK,

Petitioner,

v.

JEFFERSON COUNTY JAIL,

Respondent.

CASE NO. 3:19-CV-06169-BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 19.

On August 13, 2020, Judge Creatura issued the R&R recommending dismissal of the Petition filed by petitioner Brian Judah Michalek (“Michalek”). Dkt. 19. On August 31, 2020, Michalek filed a request for a 30-day extension, which the Court construed as a motion to extend the deadline for filing objections to the R&R. Dkt. 20. On September 9, 2020, the Court granted Michalek’s request and extended the deadline for filing objections, and the noting date of the R&R, to October 9, 2020. Michalek has not filed any objections.

The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Petitioner's petition for habeas corpus (Dkt. 10) is **DISMISSED without prejudice** as duplicative of the petition filed under cause number C19-6023 BHS-DWC;
- (3) For purposes of any appeal, petitioner's *in forma pauperis* status is revoked. A certificate of appealability is **DENIED**; and
- (4) This case is closed.

Dated this 21st day of October, 2020.



BENJAMIN H. SETTLE
United States District Judge